

**FILED**

OCT 14 2015

DAVID CREWS, CLERK  
BY *[Signature]*  
Deputy

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

BALINDA TODD

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:15CV177-GHD-DAS

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC., CAVALIER  
HOME BUILDERS, LLC, CARL KING, 21<sup>ST</sup> MORTGAGE  
CORPORATION, AND FICTITIOUS PARTIES, A, BEING THOSE  
PERSONS, FIRMS, CORPORATIONS, PARTNERSHIPS, OR  
ENTITIES RESPONSIBLE FOR ANY DAMAGE TO THE SUBJECT  
MOBILE HOME AT ANY LOCATION, AND B, BEING THOSE  
PERSONS, FIRMS, CORPORATIONS, PARTNERSHIPS, OR  
ENTITIES RESPONSIBLE FOR THE DELIVERY OF THE SUBJECT  
MOBILE HOME FROM THE MANUFACTURER'S SITE OR  
FROM THE DEALER'S LOT TO THE PLAINTIFF'S LOT AND/OR  
SETTING UP THE SUBJECT MOBILE HOME ON PLAINTIFF'S  
LOT AND/OR INSPECTING THE LOT FOR THE SET UP; AND/OR  
C, D, AND/OR E, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
PARTNERSHIPS, OR ENTITIES WHO ARE ADDITIONAL  
PARTIES IN ANY WAY RESPONSIBLE FOR THE ACTS COMPLAINED  
OF HEREIN, WHOSE IDENTITIES ARE OTHERWISE UNKNOWN,  
BUT WILL BE ADDED BY AMENDMENT WHEN ASCERTAINED

DEFENDANTS

**NOTICE OF REMOVAL**

Cavalier Homes Builders, LLC ("Cavalier"), a defendant in the case styled "Balinda Todd  
v. Brad Kellum, The Home Gallery, LLC, Wheel Estate Mobile Homes, Inc., Cavalier Home  
Builders, LLC, Carl King, 21<sup>st</sup> Mortgage Corporation, and Fictitious Parties (A-D), Cause No.  
CV2015-000474 in the County Court of Lee County, Mississippi, files this notice of removal of  
the case to the United States District Court for the Northern District of Mississippi, Aberdeen  
Division. In support Cavalier says:

1. Complaint was filed in the County Court of Lee County, Mississippi in Cause No.  
CV2015-000474 on June 10, 2015. The defendant Cavalier was served with a copy of summons

and complaint on September 22, 2015, by and through CT Corporation System, 2 North Jackson Street, Suite 605, Montgomery, AL 36104, which constitutes initial notice of the action to Cavalier.

2. The complaint alleges multiple causes of action against Cavalier and the other defendants sounding in negligence, fraud, breach of express and implied warranties, conspiracy, and strict liability in tort. The request for relief in the complaint does not set forth a specific amount of damages but demands judgment for damages for compensatory and consequential damages, mental anguish, punitive damages, attorney's fees and costs, and "whatever further and different legal and/or equitable relief to which plaintiff may be entitled in this cause."

3. The "Eleventh Cause Of Action" in the complaint states a claim for relief under the Magnuson-Moss Warranty Act, 15 U.S.C. §2301, et seq. with allegations that the plaintiff purchased a new manufactured home "for the cash purchase price of Sixty One Thousand Nine Hundred Fifty Dollar (\$61,950.00).

4. Paragraph LXVII of the complaint contains allegations that "in the alternative, plaintiff is entitled to rescind the sale of the mobile home from the defendants, and to reimbursement of the monetary loss she has sustained, and to any lien on her real property being lifted." The remedy of revocation of acceptance requires proof of breach of the implied warranty of merchantability and is within the purview of the Magnuson-Moss Warranty Act. Further, the purchase price of a manufactured home can be awarded or considered as damages for a Magnuson-Moss claim. *Shaffer v. Palm Harbor Homes, Inc.*, 328 F. Supp. 2d 633, 640 (N.D. Miss. 2004), citing *Guerdon Indus., Inc. v. Gentry*, 531 So. 2d 1202, 1203-04, 1209 (Miss. 1988); *Roberts v. Chandaleur Homes, Inc.*, 237 F. Supp. 2d 696, 697 (S.D. Miss. 2002) (holding that the amount in controversy of \$50,000.00 was satisfied where the purchase price was

\$30,496.00 and after financing the expected repayment amount was \$120,398.00).

5. The complaint alleges entitlement to consequential damages to include mental anguish with repeated demands for punitive damages. Consequential damages are available under certain circumstances in a breach of warranty claim. Miss. Code Ann. §75-2-715(2)(1972). Punitive damages are recoverable under the Magnuson-Moss Warranty Act if recoverable under a breach of warranty claim under state law. *Boelens v. Redman Homes, Inc.* In some instances, a breach of contract may justify imposition of punitive damages. *Fedders Corp. v. Boatright*, 301, 310-12 (Miss. 1986). Such demands for punitive damages in this case bolsters any potential damage award beyond a \$50,000.00 jurisdictional threshold. *Shaffer v. Palm Harbor Homes*, supra, p. 640.

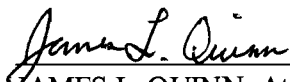
6. The amount in controversy conferring original jurisdiction in federal courts for claims under the Magnuson-Moss Warranty Act is \$50,000.00, exclusive of interest and costs. Though an amount of damages is not specified in the *ad damnum*, it is facially apparent from the description of damages described in the body of the complaint that the amount in controversy exceeds the sum of \$50,000.00, exclusive of interest and costs. Accordingly, this action is subject to removal to the United States District Court for the Northern District of Mississippi, Aberdeen Division, pursuant to the provisions of 15 U.S.C. §2310, 28 U.S.C. §1331, and 28 U.S.C. §1441. On information and belief, all defendants will join or consent to removal in accordance with 28 U.S.C. §1446(c)(1).

7. True and correct copies of all pleadings and process served on the defendant Cavalier is attached to this notice of removal as Exhibit "1." True and correct copies of all pleadings and papers filed in Cause No. CV2015-00474 in the County Court of Lee County, Mississippi, are attached to this notice of removal as Exhibit "2."

The defendant Cavalier Home Builders, LLC, requests that this notice of removal be received and filed and that Civil Action or Cause No. CV2015-00474 in the County Court of Lee County, Mississippi, proceed no further unless the case be remanded. Should the plaintiff move to remand this case to the County Court of Lee County, Mississippi, Cavalier reserves the right to submit affidavits and authenticated documentation of the purchase price of the subject manufactured home, the amount of the purchase price financed by the defendant 21<sup>st</sup> Mortgage, and the expected repayment amount.

Respectfully submitted this the 14<sup>th</sup> day of October, 2015.

Respectfully submitted,



JAMES L. QUINN, Attorney  
Cavalier Homes Builders, Inc.

James L. Quinn, MSB #4590  
Attorney at Law  
Post Office Box 271  
Hattiesburg, MS 39403-0271  
(601) 544-1842 - Telephone  
(601) 544-1846 - Facsimile

**CERTIFICATE OF SERVICE**


I, James L. Quinn, attorney of record for Cavalier Home Builders, Inc., do hereby certify that I have this date sent via email, a true and correct copy of the above and foregoing document to the following:

Francis J. Larkin - [flarkin0636@gmail.com](mailto:flarkin0636@gmail.com)  
Attorney at Law  
P. O. Box 1561  
Tupelo, MS 38802-1561  
**Attorney for the Plaintiff**

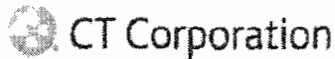
Edward E. Lawler, Jr. - [elawler@mckaylawler.com](mailto:elawler@mckaylawler.com)  
McKay Lawler Franklin & Foreman PLLC  
P O Box 2488  
Ridgeland, MS 39158-2488  
**Attorney for 21<sup>st</sup> Mortgage Corporation**

Anthony Rhett Wise - [rhettwise@bellsouth.net](mailto:rhettwise@bellsouth.net)  
Priest & Wise  
PO Box 46  
Tupelo, MS 38802-00467  
**Attorney for Brad Kellum, The Home Gallery, LLC,  
and Wheel Estate Mobile Homes, Inc., and Carl King**

This the 14<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
JAMES L. QUINN

# **EXHIBIT “1”**



**Service of Process  
Transmittal**

09/22/2015

CT Log Number 527862240

**TO:** Dan Batchelor, Office of General Counsel  
The Clayton Companies  
3284 Morgan Dr Ste 112  
Vestavia, AL 35216-3086

**RE:** Process Served in Alabama

**FOR:** Cavalier Home Builders, LLC (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Malinda Todd, Pltff. vs. Brad Kellum, et al., Dfts. // To: Cavalier Home Builders, LLC

**DOCUMENT(S) SERVER:** Summons, Complaint

**COURT/AGENCY:** Lee County Circuit Court, AL  
Case # CV2015000474

**NATURE OF ACTION:** Product Liability Litigation - Manufacturing Defect - Model 5437CAV, Serial Number - CCV071850ALAB

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Montgomery, AL

**DATE AND HOUR OF SERVICE:** By Process Server on 09/22/2015 at 14:45

**JURISDICTION SERVED:** Alabama

**APPEARANCE OR ANSWER DUE:** Within 30 days from the date of service

**ATTORNEY(S) / SENDER(S):** Francis J. Larkin  
ATTORNEYS AT LAW  
PO Box 1561  
Tupelo, MS 38802-1561  
662-841-0636

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day , 781380498708  
Image SOP  
Email Notification, Dan Batchelor dan.batchelor@sehomes.com  
Email Notification, Todd Fulks todd.fulks@claytonhomes.com  
Email Notification, Kayte Settlemire Kayte.Settlemire@ClaytonHomes.com  
Email Notification, Suzie Malone Suzie.Malone@SEHomes.com

**SIGNED:** C T Corporation System

**ADDRESS:** 2 North Jackson Street  
Suite 605  
Montgomery, AL 36104

**TELEPHONE:** 212-590-9070

IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO. CN2015-000474

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC,  
CAVALIER HOME BUILDERS, LLC, CARL KING,  
21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
PARTNERSHIPS, OR ENTITIES RESPONSIBLE FOR ANY  
DAMAGE TO THE SUBJECT MOBILE HOME  
AT ANY LOCATION, AND B, BEING THOSE PERSONS,  
FIRMS, CORPORATIONS, PARTNERSHIPS, OR ENTITIES  
RESPONSIBLE FOR THE DELIVERY OF THE SUBJECT MOBILE  
HOME FROM THE MANUFACTURER'S SITE OR FROM  
THE DEALER'S LOT TO THE PLAINTIFF'S LOT AND/OR  
SETTING UP THE SUBJECT MOBILE HOME ON  
PLAINTIFF'S LOT AND/OR INSPECTING THE LOT  
FOR THE SET UP; AND/OR C, D, AND/OR E, BEING  
THOSE PERSONS, FIRMS, CORPORATIONS,  
PARTNERSHIPS, OR ENTITIES WHO ARE ADDITIONAL  
PARTIES IN ANY WAY RESPONSIBLE FOR THE  
ACTS COMPLAINED OF HEREIN, WHOSE IDENTITIES  
ARE OTHERWISE UNKNOWN, BUT WILL BE ADDED  
BY AMENDMENT WHEN ASCERTAINED

DEFENDANTS

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SUMMONS

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STATE OF MISSISSIPPI  
COUNTY OF LEE

TO: CAVALIER HOME BUILDERS, LLC  
303 BUCCANEER STREET  
HAMILTON, ALABAMA 35570  
  
C.T CORPORATION SYSTEMS  
REGISTERED AGENT  
2 NORTH JACKSON ST, SUITE 605  
MONTGOMERY, AL 36104  
OR WHERE EVER THEY MAY BE FOUND



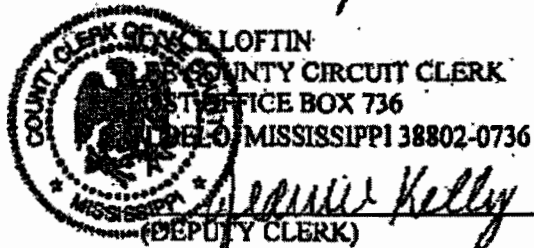
**NOTICE TO DEFENDANT**

The Complaint which is attached to this Summons is very important and you must take immediate action to protect your rights.

You are required to mail or hand deliver a copy of a written response to the Complaint to **FRANCIS J. LARKIN**, attorney for the Plaintiff, whose address is **P.O. BOX 1561, TUPELO, MISSISSIPPI 38802**. Your response must be mailed or delivered within thirty (30) days from the date of the delivery of this Summons and Complaint or a Judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must file the original of your response with the clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this the 10 day of June, 2015.



|                             |                          |                       |            |              |            |
|-----------------------------|--------------------------|-----------------------|------------|--------------|------------|
| Filed By: FRANCIS J. LARKIN | Filed: 8/10/2015 8:08 AM | Number: CV2015-000474 | LEE County | Joyce Loftin | Judge: CFB |
|-----------------------------|--------------------------|-----------------------|------------|--------------|------------|

## IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO. CV2015-000474

BRAD KELLUM, THE HOME GALLERY, LLC,  
 WHEEL ESTATE MOBILE HOMES, INC.,  
 CAVALIER HOME BUILDERS, LLC, CARL KING,  
 21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
 A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
 PARTNERSHIPS, OR ENTITIES RESPONSIBLE FOR ANY  
 DAMAGE TO THE SUBJECT MOBILE HOME  
 AT ANY LOCATION, AND B, BEING THOSE PERSONS,  
 FIRMS, CORPORATIONS, PARTNERSHIPS, OR ENTITIES  
 RESPONSIBLE FOR THE DELIVERY OF THE SUBJECT MOBILE  
 HOME FROM THE MANUFACTURER'S SITE OR FROM  
 THE DEALER'S LOT TO THE PLAINTIFF'S LOT AND/OR  
 SETTING UP THE SUBJECT MOBILE HOME ON  
 PLAINTIFF'S LOT AND/OR INSPECTING THE LOT  
 FOR THE SET UP; AND/OR C, D, AND/OR E, BEING  
 THOSE PERSONS, FIRMS, CORPORATIONS,  
 PARTNERSHIPS, OR ENTITIES WHO ARE ADDITIONAL  
 PARTIES IN ANY WAY RESPONSIBLE FOR THE  
 ACTS COMPLAINED OF HEREIN, WHOSE IDENTITIES  
 ARE OTHERWISE UNKNOWN, BUT WILL BE ADDED  
 BY AMENDMENT WHEN ASCERTAINED. ETC.

DEFENDANTS

COMES NOW Plaintiff, Malinda Todd, and files this, her suit for damages, against all the

Defendants, and for cause would respectfully show unto this Honorable Court the following:

I.

That Plaintiff, Malinda Todd, is an adult resident citizen of Tishomingo County, Mississippi.

and has been such at all time material to this lawsuit.

II.

Defendant Brad Kellum is an adult resident citizen of Lee County, Mississippi, and may be served with Summons and Complaint at 1583 Highway 45, Saitillo, MS 38866.

III.

That the Home Gallery, LLC, is a division of Wheel Estate Mobile Homes, Inc. and is located at 1583 Highway 45 South, Saitillo, MS 38866 where Service of Process may be obtained through service upon their Registered Agent and Managing Partner, Brad Kellum. That Wheel Estate Mobile Homes, Inc. is a Mississippi Corporation doing business as the Home Gallery, LLC, and is located and whose principal place of business is in Lee County, Mississippi, in Tupelo and in Saitillo, Mississippi, where they may be served with Process through service upon their Registered Agent, Harold K. Wilson. That Cavalier Home Builders, LLC is an Alabama Corporation who may be served with Summons and Complaint through service upon their Registered Agent, C.T. Corporate Systems. That Carl King is an adult resident citizen of Lee County, Mississippi, and may be served with Summons and Complaint at his place of business at 892 South Ford Street, Baldwin, Mississippi 38824. That 21<sup>st</sup> Century Mortgage Corporation is a foreign corporation whose principal place of business is located in Knoxville, Knox County, Tennessee, and whose Registered Agent in Mississippi, Ed Lawler, may be served with Summons and Complaint at 368 Highland Colony Parkway, Ridgeland, Mississippi, 39157.

IV.

That Defendants for A are those persons, firms, corporations, partnerships, or entities responsible for any damage to the subject mobile home at any location.

V.

Defendants for B are those persons, firms, corporations, partnerships, or entities responsible

for the delivery of the subject mobile home from the dealer's lot to the Plaintiff's lot and/or setting-up the subject mobile home on Plaintiff's lot and/or inspecting the lot for set up. In the alternative, that Separate Defendant Carl King was responsible for the delivery of the subject mobile home from the dealer's lot to the Plaintiff's lot and/or setting-up the subject mobile home on Plaintiff's lot and/or inspecting the lot for set up.

VI.

That Defendants C, D, and/or E are those persons, firms, corporations, partnerships, or entities who are the additional Parties in any way responsible for the acts complained of herein, whose identities are otherwise unknown, but will be added by Amendment when ascertained.

FIRST CAUSE OF ACTION

MISSISSIPPI  
LEE COUNTY  
COURT  
CLERK

That Plaintiff, Malinda Todd, purchased a 2014 Cavalier Mobile Home, Model 3437CAV; Serial Number - CCV071830ALAB from Brad Kellum, through an entity known as Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC, on or about June 11, 2014. That said Cavalier Mobile Home was defective.

VIII.

The manufacturer, Cavalier Homes, LLC and the dealer, Brad Kellum, individually, Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC, and and/or E were aware of the defects in said mobile home and failed or refused to correct said defects.

IX.

The manufacturer, Brad Kellum, Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC, and/or E were aware of the defects of said mobile at the time of the sale to



Plaintiff. However, representation were made that the mobile home were without defects.

**X.**

That said representations were false, and the manufacturer, Cavalier Homes, LLC, and the dealer, Brad Kellum, Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC The Home Gallery, LLC and and/or E knew they were false. Said Defendants intentionally suppressed the fact the mobile home had numerous defects.

**XI.**

That Plaintiff believed the said representations and reasonably relied on them an innocently acted upon them to her detriment in purchasing said mobile home.

Plaintiff demands judgment against Defendants for compensatory damages, including mental anguish, and the following:

- A. Compensatory and consequential damages.
- B. Punitive damages.
- C. Reasonable attorney's fees & Joyce Loftin
- D. Costs of this action.
- E. Whatever further and different legal and/or equitable relief to which to

Plaintiff may be entitled in this cause.

**SECOND CAUSE OF ACTION**

**XII.**

Plaintiff adopts the forgoing paragraphs one (1) through XI as if they were written herein in their entirety.

**XIII.**

Plaintiff avers that the manufacturer, Cavalier Home Builders, LLC, and the dealer, Brad

Kellum, Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC, C, D, and/or E, together with Brad Kellum represented to the Plaintiff that said mobile home made the subject of this action would be delivered to her free from defects and if there were any defects, that said defects would be promptly repaired.

**XIV.**

In fact, said mobile home was not free from defects, was not fit for it's ordinary and particular use, and the defects have not been repaired despite repeated assurances that they would be.

The representations above, which were made to Plaintiff, were, in fact, false and fraudulent. Said representations were made by the manufacturer, Cavalier Home Builder, LLC, and the dealer, Brad Kellum, Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC The Home Gallery, LLC, C, D, and/or E to induce the Plaintiff to purchase said mobile home.

Joyce Loftin  
C. 2014

Plaintiff believed the said representations and reasonably relied upon them and innocently acted upon them to her detriment in purchasing said mobile home.

Plaintiff demands judgment against the Defendants for compensatory and other damages available under Mississippi Law, including mental anguish.

**THIRD CAUSE OF ACTION**

**XVII**

The Plaintiff adopts Paragraph One (1) though XVI as if they were written herein in their entirety.

At the time of the Plaintiff's purchase, the manufacturer, Cavalier Home Builders, LLC, and the dealer, Wheel Estate Mobile Homes, Inc., doing business as the Home Gallery, LLC, and Brad

**FOURTH CAUSE OF ACTION**

**XXI**

Plaintiff adopts the foregoing paragraphs in full as if they were written herein in their entirety.

Pursuant to the Federal Trade Commission's "Holder Rule" 16 CFR 433.2, and/or the language in the Security Agreement subjecting the Holder to the contract liable to all claims and defenses Plaintiff has against the Seller, Defendant 21<sup>st</sup> Mortgage Corporation, and/or C, D, and/or E are liable to the Plaintiff for all of her claims against the Defendants.

Plaintiff demands judgment against Defendant 21<sup>st</sup> Mortgage Corporation for Compensatory Damages, including mental anguish.

**FIFTH CAUSE OF ACTION**

**XXII**

Plaintiff adopts the foregoing paragraphs as if they are written herein in their entirety.

The Plaintiff avers that the Defendants and/or C, D, and/or E negligently approved the subject home, or it's design, and/or negligently hired, trained, supervised, and retained the sellers, builders, repairman, service men, or other agents, supervisors, or managers.

Joyce Loftin

**XXIII**

As a proximate result of said negligence, the Plaintiff has been injured or damaged.

Plaintiff demands judgment against the Defendants for compensatory damages, including mental anguish. To the extent that any cause of action may be interpreted to make a claim under the Carmack Amendment, Plaintiff claims accumulative amount for any Carmack Amendment claim of less than Ten Thousand Dollars (\$10,000.00).

**SIXTH CAUSE OF ACTION**

**XXIV.**

Plaintiff adopts the foregoing Paragraphs as if they were written herein in their entirety.

The Plaintiff avers that the dealer, Brad Kellum, Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC, and/or C, D, and/or E, conspired to defraud the Plaintiff as aforesaid.

**XXV.**

As approximate result of such conspiracy, the Plaintiff has been injured and damage as alleged above. Plaintiff demands judgment against Brad Kellum, Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC, and/or C, D, and/or E for compensatory damages including mental anguish.

The Plaintiff adopts the foregoing Paragraphs as if they were written here in their entirety. Before purchasing said mobile home and during the course of the purchase negotiations the Defendants, and C, D, and/or E, represented to the Plaintiff that said mobile home was a new mobile home free of defects and in excellent condition, when in fact, said mobile home was damaged.

The Defendant, including Defendants C, D, and/or E knew that the representations contained in the proceeding Paragraph were false, and the Defendants, jointly and severally, made said representations with reckless disregard for the truth.

**XXVIII.**

Said representations contained in the previous paragraphs were made to induce Plaintiff to purchase the above mobile home and in reliance on said representations the Plaintiff purchased said mobile home and was damaged thereby. The Plaintiff was caused to suffer mental anguish and emotional distress.



XXIX.

Plaintiff believed the said representations and reasonable relied on them and innocently acted upon them to her detriment in purchasing said mobile home.

XXX

The Plaintiff claims punitive damages and damages for mental anguish and emotional distress.

XXXI.

Plaintiff demands judgment against the Defendants for compensatory damages and all other damages available under the laws of the State of Mississippi, including mental anguish.

The Plaintiff adopts the foregoing Paragraphs as if they were written herein in their entirety.

Cavalier Home Builders, LLC, the manufacturer, and/or the dealer, Brad Kelum, Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC, and/or C, D, and/or E expressly and in writing and/or impliedly under the law warranted that the mobile home was free of defects when in fact the mobile home had defects and/or was damaged; further, the Defendants, and/or C, D, and/or E implied and warranted that said mobile home was merchantable and fit for the ordinary purpose for which it was intended, when in fact it was not merchantable, and furthermore, it was not fit for the ordinary purpose for which it was intended; the Defendants and/or C, D, and/or E impliedly warranted that said mobile home was habitable, when in fact, it was not; and the extent of said breaches cause any limited warranty to fail in its essential purpose. Also, the Defendants and/or Defendants, C, D, and/or E, warranted said mobile home to be habitable in comfort, when in fact it is not habitable.

**XXXIII.**

After the Plaintiff gave Cavalier Home Builders, LLC, the manufacturers, and/or Brad Kellum, Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC, and/or C, D, and/or E, notice of defects within a reasonable time after it was discovered, and Defendants failed to repair said defects and/or failed to remedy said breaches.

**XXXIV**

Cavalier Home Builders, LLC, the manufacturers, and/or Brad Kellum, Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC, and/or C, D, and/or E breached the express warranty and/or warranty's alleged in the previous paragraph, and are liable for damages, including Plaintiff's mental anguish.

Plaintiff demands judgment against the Defendant for Compensatory damages including mental anguish.

**NINTH CAUSE OF ACTION**

Joyce M. Smith  
CLERK

The Plaintiff adopts the foregoing Paragraphs as if they are written herein in their entirety.

The Defendants, and/or C, D, and/or E negligently approved, constructed, designed, built, delivered, set-up, serviced, or assembled the mobile home which Plaintiff purchased from the Defendants.

**XXXVI**

The Defendants owed a duty to use due and ordinary care in the approval, construction, design, building, delivery, set-up, service, or assembly of the mobile home which the Plaintiff purchased from the Defendants.

XXXVII

The Defendants breached the duty owed to the Plaintiff by failing to use ordinary undo care in the approval, construction, design, building, delivery, set-up, service, or assembly of the mobile home which was purchased by the Plaintiff from the Defendants.

XXXVIII

As the proximate result of the negligence of the Defendants, the Plaintiff was caused to suffer damages, including but not limited to, the loss and value of the Plaintiff's home, other compensatory damages, mental anguish and emotional distress.

Plaintiff demands judgment against the Defendants for compensatory damages, including mental anguish, to the extent that any cause of action may be interpreted to make a claim under the Carmack Amendment. Plaintiff claims a comparative amount for said Carmack Amendment Claim of less than Ten Thousand Dollars (\$10,000.00).

Joyce Loftin

TENTH CAUSE OF ACTION

XXXX

Plaintiff adopts the foregoing paragraphs as if they were written herein in their entirety.

That Defendants Carl King, Wheel Estate Mobile Home, Inc., d/b/a The Home Gallery, and/or A, negligently transported the subject mobile home from the Cavalier Home Builder, LLC location to Plaintiff's lot in Tishomingo County, Mississippi. As the proximate consequence of the negligence of said Defendants in transporting and/or setting up the subject mobile home, the mobile home was damaged and rendered less valuable; the Plaintiff was damaged in that she lost the value, use and enjoyment of her mobile home; and the Plaintiff suffered mental anguish.

XXXXI.

Defendants Brad Kellum, Wheel Estate Mobile Homes, Inc., d/b/a The Home Gallery, LLC, Carl King, and/or B negligently inspected or prepared the site where the subject mobile home was set up or installed; said mobile home being described as a 2014 Cavalier Mobile Home. As a proximate consequence of the negligence of said Defendants in negligently inspecting and preparing the sight where the mobile home was set-up or installed, the mobile home was damaged and rendered less valuable; the Plaintiff was damaged in that she lost the value, use, and enjoyment of her mobile home; and the Plaintiff suffered mental anguish.

Plaintiff demands judgment against the Defendants for compensatory damages, including mental anguish. To the extent that any cause of action may be interpreted to make a claim under the Carmack Amendment, Plaintiff claims a cumulative amount for any Carmack Amendment Claim of less than Ten Thousand Dollars (\$10,000.00).

Joyce Loftin

LEE COUNTY  
MISSISSIPPI  
COUNTY COURT  
ELEVENTH CAUSE OF ACTION

XXXXIII.

The Plaintiff adopts the foregoing Paragraphs V they were written in their entirety.

XXXXIV.

On or about June 11, 2014, Malinda Todd purchased a new 2014 Cavalier Mobile Home, bearing Model 5437CAV- Serial Number CCV071850ALAV from Wheel Estate Mobile Homes, Inc., and from Defendant, Brad Kellum for the cash purchase price of Sixty One Thousand Nine Hundred Fifty Dollars (\$61,950.00). Said mobile home was purchase for use as her home located in Tishomingo County, Mississippi.

XXXXV.

The mobile home was constructed or assembled by Cavalier Home Builders, LLC, and/or

C, D, and/or E.

As a part of the basis of the bargain between Plaintiff and Defendants for the purchase of the mobile home, Defendants provided written Warranties and Implied Warranties on the mobile home.

XXXXVI

This sales transaction is subject to the provisions and regulations of the Magnuson-Moss Warranty Act (hereinafter referred to as the "Warranty Act"), 15 U.S.C. 2301, et seq.

XXXXVII

The Plaintiff is a "consumer" as defined in the Warranty Act, 15 U.S.C. 2301(3).

The Defendants are "suppliers" and "warrantors" as defined by the Warranty Act 15 U.S.C. 2301(4), and (5).

The mobile home in question is a "consumer product" as defined in the Warranty Act, 15 U.S.C. 2301(1).

The mobile home in question was built or constructed and sold after July 4, 1975.

The express warranties provided by the Defendants, and/or required by statute to be provided by the Defendants pertaining to the mobile home are "written warranties" as defined in the Warranty Act 15 U.S.C 2301(6).

LI

Plaintiff complied with any informal dispute resolution mechanism required by Defendants before filing this lawsuit;

Alternatively, Defendants did not require or provide any written warranty and informal



dispute resolution mechanism which meets the standards established by the Federal Trade Commission pursuant to the Warranty Act, 15 U.S.C. 2301 (3);

**LII.**

The manufacturer, Cavalier Home Builders, LLC, Brad Kellum, Wheel Estate Mobile Homes, Inc. d/b/a The Home Gallery, LLC, C, D, and/or E breached the written warranty on Plaintiff's mobile home by failing to repair defects including, but not limited to, the following:

- 1) the back door to the home not level - it was adjusted or repaired by the Cavalier representative in July, 2014 (the Cavalier representative also replaced the siding above the kitchen door);
- 2) kitchen cabinet by the back door was shimmed to make the kitchen counter level;
- 3) double windows in the living room are not level - too high in the center;
- 4) marriage wall between the entry and the bath has a sheet rock ripple from the bottom to the electrical switch;
- 5) electrical panel in the utility room is pulling away from the wall at the bottom left;
- 6) the heating and air conditioning unit intake panel is moving forward and away from the wall;
- 7) shifting occurring in the wall between the kitchen and the bath;
- 8) hallway door to the bathroom - frame and door has shifted;
- 9) the master bedroom door will not close fully;
- 10) door from the master bedroom to the bathroom has a space between the frame and the door on the striker plate side;
- 11) door to the guest bedroom has to be pushed for closure to catch;
- 12) noticeable space from outside wall to center wall in living room behind corner trim.

- 13) noticeable space from back to side wall of master bedroom behind corner trim
- 14) floor boards unsound and makes noise in bathroom just inside hallway door
- 15) floor boards unsound in master bedroom between hall door and bathroom door
- 16) Ripple in top piece of siding between master bedroom window and bathroom window.

LIII

Plaintiff notified Defendants of the defects in the mobile and afforded the Defendants a reasonable opportunity to comply with the Warranty and a reasonable number of attempts to make the repairs.

Alternatively, Defendants, including Cavalier Home Builders, LLC, and/or the manufacturer were aware and should have been aware of the defects at the time of the sale.

Alternatively, the defects can not be cured.

LV  
Joyce Loftin

The manufacturer, Cavalier Home Builders, LLC and Defendants, Brad Kellum, Wheel Estate Mobile Homes, d/b/a the Home Gallery, LLC, D, and/or E failed to cure the defects and Plaintiff has been damaged thereby.

LVI

Pursuant to the Warranty Act the Plaintiff prays that this Court will provide legal and/or equitable relief by entering a judgment for the Plaintiff and against the Defendants, jointly and severally, in an amount less than the sum or the value of \$50,000.00 (exclusive of interest and cost, award attorney's fees to Plaintiff, and award interest and costs to the Plaintiff).

**TWELVETH CAUSE OF ACTION**

**LVII**

Plaintiff adopts the forgoing Paragraphs as if they were written in their entirety.

**LVIII**

The various Defendants were guilty of other torts, including negligent testing or approval, liability to third persons for the negligent performance of an undertaking, misrepresentation, and false advertising, and in violation of Restatement of Torts, Section 324 A.

These torts were a direct and proximate cause of the injuries and damages to Plaintiff.

Plaintiff demands judgment against the Defendants for compensatory damages, including mental anguish. To the extent that any cause of action may be interpreted to make a claim under the Carmack, Plaintiff claims a cumulative amount for any Carmack Amendment Claim for less than Ten Thousand Dollars (\$10,000.00).

**THIRTEENTH CAUSE OF ACTION**  
**COUNTY COURT**

The Plaintiff adopts the forgoing paragraph as if they were written herein in their entirety.

Joyce Loftin  
CLERK

Brad Kellum, Wheel Este Mobile Home, Inc., d/b/a The Home Galley, LLC, D and/or E negligently constructed, approved, designed, built, and/or assembled the mobile home which the Plaintiff purchased from the Defendants, who negligently hired, retained, or supervised the individuals, dealers, corporations, businesses, and entities engaged to manage or hire and/or consult and/or locate and train mobile home lot operators, retailers, installers, or dealers to run and/or control business operations for the Defendant.

**LVI**

The Defendants owed a duty to use due and ordinary care in the construction, approval, design, building, and/or assembly of the mobile home which the Plaintiff purchased from the



Defendants and owed a duty to use due and ordinary care in the managing, consulting, hiring, retaining, supervising, and/or training of the installers, operators, retailers, dealers, and/or employees, including any seller of the subject mobile home or other dealer.

**LVII**

The Defendants breached the duty owed to Plaintiff by failing to use the ordinary and due care in the approval, construction, design, building, and/assembly of the mobile home which was purchased by the Plaintiff from the Defendants by failing to use due and ordinary care in managing, consulting, hiring, retaining, supervising, and/or training of the installers, retailers, dealers, and/or employees, including any seller of the subject home or other dealers.

As the proximate result of the negligence of the Defendants, the Plaintiff was caused to suffer damages, including, but not limited to, loss in value of the Plaintiff's home, other compensatory damages, mental anguish and emotional distress.

Plaintiff requests compensatory damages and any other damages available under the Laws of the State of Mississippi, including mental anguish. To the extent that any cause of action may be interpreted to make a claim under the Carmack Amendment, Plaintiff claims accumulative amount for any Carmack Amendment Claim of less than Ten Thousand Dollars (\$10,000.00).

**FOURTEENTH CAUSE OF ACTION**

**LX**

Plaintiffs adopt the forgoing Paragraphs as if they were written in their entirety.

**LXI**

The Defendants, the manufacturer, Cavalier Home Builders, LLC and the dealer, Brad Kellum, Wheel Estate Mobile Homes, Inc., d/b/a The Home Gallery, LLC and the fictitious parties

D and/or E negligently trained, taught, and/or supervised the dealer or it's officer, managers, or employees to install, to operate, to manage, to supervise, and/or to provide service for the Defendants business operations either through or for the dealer or the Defendants, and negligently trained the dealer or it's officers, managers, or employees to perform service work to repair defects and/or to properly respond to the home owners' request for warranty repair and/or to repair defects covered by the Defendants written warranty.

LXII

The manufacture, Cavalier Home Builders, Inc., Brad Kellum, Wheel Estate Mobile Homes, Inc., d/b/a The Home Gallery, LLC, and/or D and/or E negligently trained the dealer or it's officers, managers, or employees to notify the manufacturer, Cavalier Home Builders, LLC, and the dealer, and Defendants, Brad Kellum or Wheel Estate Mobile Homes, d/b/a The Home Gallery, LLC, D and/or E of the Request for Repair and/or of the Defendant's inability or refusal to repair the defects and/or properly respond to the home owners request for Warranty Work.

LXIII

Joyce Loftin

As a proximate consequence of the negligence of said Defendants in their failure to provide adequate services or proper training to perform business operations and/or service, the subject mobile home was damaged and rendered less valuable; the Plaintiff was damaged in that she lost the value, use and enjoyment of the mobile home; and the Plaintiff suffered mental anguish.

LXIV

Plaintiff demands judgment against the Defendant for compensatory damages, including mental anguish. To the extent that any cause of action may be interpreted to make a claim under the Carmack Amendment, Plaintiff claims accumulative amount for any Carmack Amendment Claim of less than Ten Thousand Dollars (\$10,000.00).

**FIFTEENTH CAUSE OF ACTION**

**LXV**

Plaintiffs adopt the forgoing Paragraphs as if they were written in their entirety.

That Plaintiff, Malinda Todd, purchased a 2014 Cavalier Mobile Home, Model 5437CAV; Serial Number - CCV071850ALAB from Mark Kellum, through an entity known as Wheel Estate Mobile Homes, Inc., doing business as The Home Gallery, LLC, on or about June 11, 2014.

**LXVI**

The Cavalier Mobile Home sold to Malinda Todd was manufactured and installed after July 1, 2009, and was subject to inspection by the Mississippi State Fire Marshall's Office of the Mississippi Department of Insurance prior to occupancy by Malinda Todd. In accordance with Mississippi's Factory-Built Homes statutes, Section 75-49-1 through Section 75-49-21.

**LXVII**

That Defendants Brad Kellum, Wheel Estate Mobile Homes, Inc. Doing business as The Home Gallery, LLC, Carl King, B. C. D., and/or E illegally conspired with other to not report the sale and installation of the Cavalier Mobile Home to Plaintiff to avoid having to pay the inspection fee charged by the Fire Marshall's office and to save the expense of properly installing said Mobile Home. That the illegal actions of Defendants were intended to defraud Plaintiff. That the illegal actions of Defendants did in fact defraud Plaintiff and cause her to sustain monetary damage. That Plaintiff's Mobile Home was not properly installed by Defendants, which resulted in Plaintiff's Mobile Home being damaged and Plaintiff suffering a monetary loss as the results of the illegal and fraudulent actions of Defendants. That Plaintiff is entitled to compensatory damages, punitive damages, to attorneys fees and her costs as the result of the illegal actions of Defendants. In the alternative, Plaintiff is entitled to rescind the sale of the Mobile Home from Defendants, and to reimbursement of the monetary loss she has sustained, and to any lien on her real property being lifted.

LXVIII

In the alternative, that Defendants Brad Kellum, Wheel Estate Mobile Homes, Inc. Doing business as The Home Gallery, LLC, Carl King, B, C, D, and/or E were guilty of gross negligence in failing to report the sale and installation of the Mobile Home to Plaintiff to the Office of the Fire Marshall. That Defendant Cavalier Home Builders, LLC, had a duty to warn Plaintiff that there was no inspection tag on the Mobile Home after the Mobile Home had had been set-up and installed and was being occupied by Plaintiff. That Cavalier Home Builders, LLC, was guilty of gross negligence in failing to warn Plaintiff that Defendants Brad Kellum, Wheel Estate Mobile Homes, Inc. Doing Business As The Home Gallery, LLC, Carl King, B, C, D, and/or E had not reported said Mobile Home sale and installation to the Office of the Mississippi Fire Marshall. That Plaintiff is entitled to compensatory damages, punitive damages, to attorneys fees and her costs as the result of the gross negligence of Defendants.

NOW THEREFORE Plaintiff demands judgment against the Defendant for compensatory damages, including mental anguish and the following:

- Joyce Loftin
- A. Compensatory and consequential damages.
  - B. Punitive damages.
  - C. Reasonable attorney's fees.
  - D. Costs of this action.
  - E. Whatever further and different legal and/or equitable relief to which to Plaintiff may be entitled in this cause.

EXHIBIT 2



Filed By: FRANCIS J.  
LARKINFiled: 10/6/2015 2:30  
PMNumber: CV2015-  
000474

LEE County

Joyce Loftin

Judge: CRB

## IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO.: W2015-000474

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC.,  
CAVALIER HOME BUILDERS, LLC, CARL KING,  
21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
PARTNERSHIPS, OR ENTITIES RESPONSIBLE FOR ANY  
DAMAGE TO THE SUBJECT MOBILE HOME  
AT ANY LOCATION, AND B, BEING THOSE PERSONS,  
FIRMS, CORPORATIONS, PARTNERSHIPS, OR ENTITIES  
RESPONSIBLE FOR THE DELIVERY OF THE SUBJECT MOBILE  
HOME FROM THE MANUFACTURER'S SITE OR FROM  
THE DEALER'S LOT TO THE PLAINTIFF'S LOT AND/OR  
SETTING UP THE SUBJECT MOBILE HOME ON  
PLAINTIFF'S LOT AND/OR INSPECTING THE LOT  
FOR THE SET UP; AND/OR C, D, AND/OR E, BEING  
THOSE PERSONS, FIRMS, CORPORATIONS,  
PARTNERSHIPS, OR ENTITIES WHO ARE ADDITIONAL  
PARTIES IN ANY WAY RESPONSIBLE FOR THE  
ACTS COMPLAINED OF HEREIN, WHOSE IDENTITIES  
ARE OTHERWISE UNKNOWN, BUT WILL BE ADDED  
BY AMENDMENT WHEN ASCERTAINED

DEFENDANTS

SUMMONS

STATE OF MISSISSIPPI

COUNTY OF LEE

TO: WHEEL ESTATE MOBILE HOMES, INC.  
HAROLD K. WILSON  
REGISTERED AGENT FOR SERVICE OF PROCESS  
1503 SOUTH GLOSTER STREET  
TUPELO, MS 38801  
OR WHEREVER HE MAY BE FOUND

FILED

OCT - 6 2015

JOYCE LOFTIN, CLERK  
D.C.

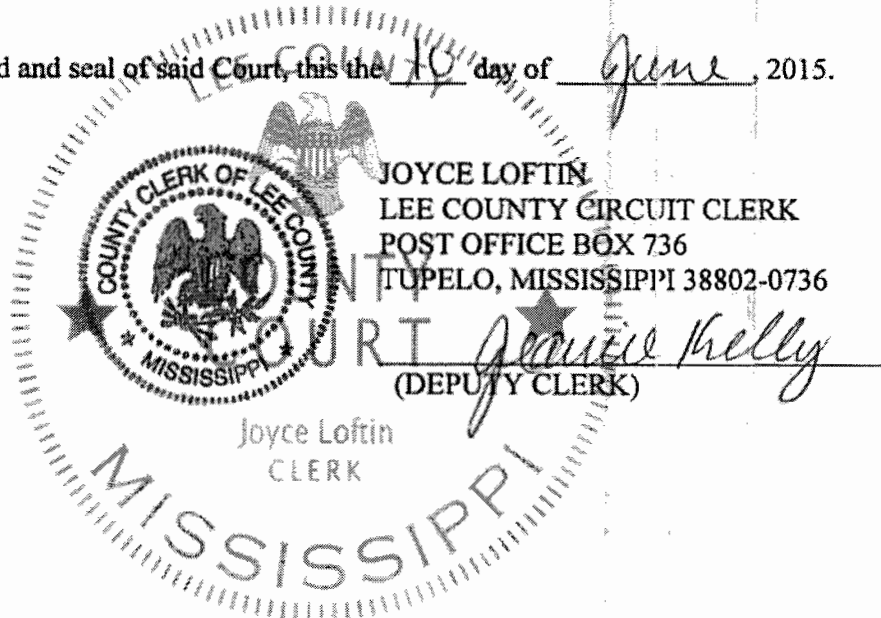
**NOTICE TO DEFENDANT**

The Complaint which is attached to this Summons is very important and you must take immediate action to protect your rights.

You are required to mail or hand deliver a copy of a written response to the Complaint to **FRANCIS J. LARKIN**, attorney for the Plaintiff, whose address is **P.O. BOX 1561, TUPELO, MISSISSIPPI 38802**. Your response must be mailed or delivered within thirty (30) days from the date of the delivery of this Summons and Complaint or a Judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must file the original of your response with the clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this the 10 day of June, 2015.



FILED

JUN - 6 2015  
*Ch*  
CIRCUIT CLERK  
D.C.

**PROOF OF SERVICE**

Harold Wilson  
Name of Person Served

I, the undersigned process server, served the Summons and Complaint upon the person or entity named above in the manner set forth below:

☒ **PERSONAL SERVICE:** I personally served copies to Harold Wilson on the 16 day of Sept, 2015, where I found said person in Lee County in the State of Mississippi.

☐ **RESIDENCE SERVICE:** After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ County, Mississippi. I served the Summons and Complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at the usual place of abode of said person by leaving a true copy of the Summons and Complaint with \_\_\_\_\_ who is the \_\_\_\_\_ a member of the family of the person served above the age of sixteen years and willing to receive the Summons and Complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 2015. I mailed by first class mail, postage prepaid, a copy to the person served at his or her usual place of abode where copies were left.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for Service: \$ 35.00

Process Server must list:

Name: Martin Wilson

Social Security No: 125

Address: 313 C. St. 1862

Safford MS 38866 Joyce Loftin

Telephone No: 662-456-7313 CLERK

COUNTY  
COURT

FILED

OCT - 6 2015

JOYCE A. LOFTIN, CLERK  
D.C.

STATE OF MISSISSIPPI

COUNTY OF Lee

Personally appeared before me the undersigned authority in and for said State and County the within named Martin Wilson who after being first duly sworn states under oath that the matters and facts set forth in the foregoing "Proof of Service" are true and correct as therein stated.

[Signature]  
PROCESS SERVER

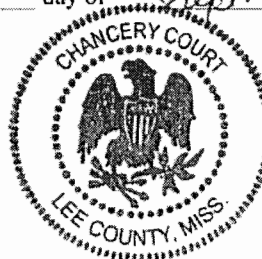
SWORN TO AND SUBSCRIBED BEFORE ME, this the 16 day of Sept., 2015.

NOTARY PUBLIC

BILL BENSON, Chancery Clerk  
and Ex-Officio Notary Public

MY COMMISSION EXPIRES: \_\_\_\_\_

By \_\_\_\_\_ D.C.  
My Commission Expires First Monday in January 2018





|                             |                          |                       |            |              |            |
|-----------------------------|--------------------------|-----------------------|------------|--------------|------------|
| Filed By: FRANCIS J. LARKIN | Filed: 10/6/2015 2:29 PM | Number: CV2015-000474 | LEE County | Joyce Loftin | Judge: CRB |
|-----------------------------|--------------------------|-----------------------|------------|--------------|------------|

## IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO.: CV2015-000474

BRAD KELLUM, THE HOME GALLERY, LLC,  
 WHEEL ESTATE MOBILE HOMES, INC,  
 CAVALIER HOME BUILDERS, LLC, CARL KING,  
 21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
 A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
 PARTNERSHIPS, OR ENTITIES RESPONSIBLE FOR ANY  
 DAMAGE TO THE SUBJECT MOBILE HOME  
 AT ANY LOCATION, AND B, BEING THOSE PERSONS,  
 FIRMS, CORPORATIONS, PARTNERSHIPS, OR ENTITIES  
 RESPONSIBLE FOR THE DELIVERY OF THE SUBJECT MOBILE  
 HOME FROM THE MANUFACTURER'S SITE OR FROM  
 THE DEALER'S LOT TO THE PLAINTIFF'S LOT AND/OR  
 SETTING UP THE SUBJECT MOBILE HOME ON  
 PLAINTIFF'S LOT AND/OR INSPECTING THE LOT  
 FOR THE SET UP; AND/OR C, D, AND/OR E, BEING  
 THOSE PERSONS, FIRMS, CORPORATIONS,  
 PARTNERSHIPS, OR ENTITIES WHO ARE ADDITIONAL  
 PARTIES IN ANY WAY RESPONSIBLE FOR THE  
 ACTS COMPLAINED OF HEREIN, WHOSE IDENTITIES  
 ARE OTHERWISE UNKNOWN, BUT WILL BE ADDED  
 BY AMENDMENT WHEN ASCERTAINED

DEFENDANTS

SUMMONS

STATE OF MISSISSIPPI  
 COUNTY OF LEE

TO: CARL KING  
 892 SOUTH FORD STREET  
 BALDWIN, MS 38824

OR WHERE EVER HE MAY BE FOUND

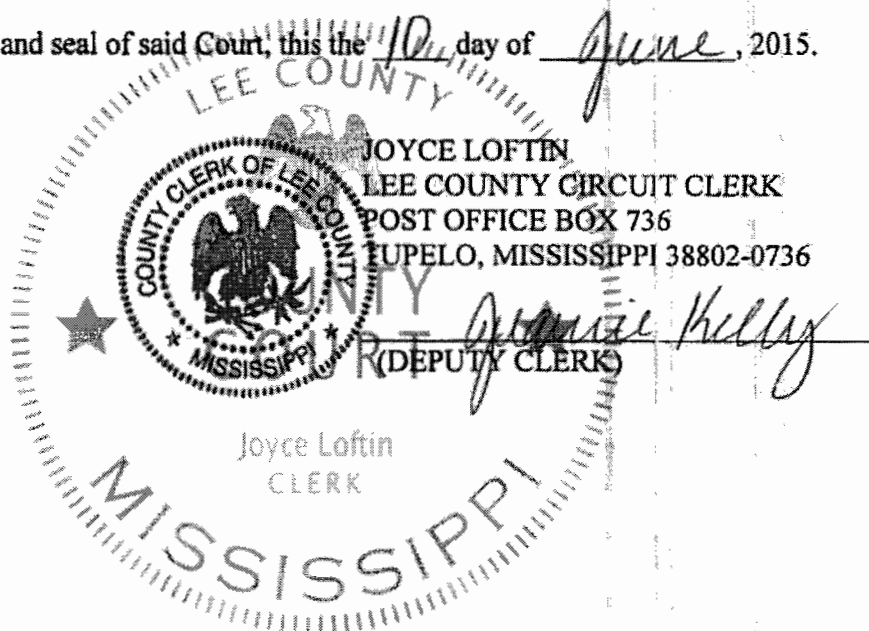
**NOTICE TO DEFENDANT**

The Complaint which is attached to this Summons is very important and you must take immediate action to protect your rights.

You are required to mail or hand deliver a copy of a written response to the Complaint to **FRANCIS J. LARKIN**, attorney for the Plaintiff, whose address is **P.O. BOX 1561, TUPELO, MISSISSIPPI 38802**. Your response must be mailed or delivered within thirty (30) days from the date of the delivery of this Summons and Complaint or a Judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must file the original of your response with the clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this the 10 day of June, 2015.



**FILED**

OCT -6 2015

JOYCE LOFTIN, CIRCUIT CLERK  
D.C.

**PROOF OF SERVICE**Name of Person Served Carl King

I, the undersigned process server, served the Summons and Complaint upon the person or entity named above in the manner set forth below:

☒ **PERSONAL SERVICE:** I personally served copies to Carl King on the 16 day of Sept, 2015, where I found said person in Lee County in the State of Mississippi.

☐ **RESIDENCE SERVICE:** After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ County, Mississippi. I served the Summons and Complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at the usual place of abode of said person by leaving a true copy of the Summons and Complaint with \_\_\_\_\_ who is the \_\_\_\_\_ a member of the family of the person served above the age of sixteen years and willing to receive the Summons and Complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, I mailed by first class mail, postage prepaid, a copy to the person served at his or her usual place of abode where copies were left.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for Service: \$ 35.00 55.00

Process Server must list:

Name: Martin R. Wilson

Social Security No: 428579 123

Address: 313 CR 1802  
Saltville MS 38666

Telephone No: 662-406-7313

FILED

OCT - 6 2015

JOYCE R. LOFTIN, CHANCERY CLERK  
D.C.

STATE OF MISSISSIPPI

COUNTY OF Lee

Personally appeared before me the undersigned authority in and for said State and County the within named Martin R. Wilson who after being first duly sworn states under oath that the matters and facts set forth in the foregoing "Proof of Service" are true and correct as therein stated.

PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME, this the 16 day of Sept., 2015.

BILL BENSON, Chancery Clerk

NOTARY PUBLIC and Ex-Officio Notary Public

MY COMMISSION EXPIRES: By Bill Benson D.C.

My Commission Expires First Monday in January 2016





Filed By: FRANCIS J.  
LARKINFiled: 10/6/2015 2:26  
PMNumber: CV2015-  
000474

LEE County

Joyce Loftin

Judge: CRB

IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO.: CV 2015-000474

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC,  
CAVALIER HOME BUILDERS, LLC, CARL KING,  
21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
PARTNERSHIPS, OR ENTITIES RESPONSIBLE FOR ANY  
DAMAGE TO THE SUBJECT MOBILE HOME  
AT ANY LOCATION, AND B, BEING THOSE PERSONS,  
FIRMS, CORPORATIONS, PARTNERSHIPS, OR ENTITIES  
RESPONSIBLE FOR THE DELIVERY OF THE SUBJECT MOBILE  
HOME FROM THE MANUFACTURER'S SITE OR FROM  
THE DEALER'S LOT TO THE PLAINTIFF'S LOT AND/OR  
SETTING UP THE SUBJECT MOBILE HOME ON  
PLAINTIFF'S LOT AND/OR INSPECTING THE LOT  
FOR THE SET UP; AND/OR C, D, AND/OR E, BEING  
THOSE PERSONS, FIRMS, CORPORATIONS,  
PARTNERSHIPS, OR ENTITIES WHO ARE ADDITIONAL  
PARTIES IN ANY WAY RESPONSIBLE FOR THE  
ACTS COMPLAINED OF HEREIN, WHOSE IDENTITIES  
ARE OTHERWISE UNKNOWN, BUT WILL BE ADDED  
BY AMENDMENT WHEN ASCERTAINED

DEFENDANTS

---

**ACKNOWLEDGMENT OF ACCEPTANCE OF SERVICE OF PROCESS**


---

"I, Rhett Wise, Attorney at Law, of the firm Priest and Wise, PLLC, located at 301 West Main Street, Tupelo, MS 38804, hereby acknowledgement of acceptance of Process in the form of a Summons and Complaint for and on the behalf of Mr. Brad Kellum , Individually, and Mr. Brad Kellum, Registered Agent For Service of Process for The Home Gallery, LLC.

I am authorized to by Brad Kellum to accept Service of Process in this cause for him personally and for him as the Registered Agent for Service of Process for his company, The Home Gallery, LLC.

Dated this the 23<sup>rd</sup> day of September, 2015.

Respectfully Submitted,

A. Rhett Wise

RHETT WISE

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS, THE 23<sup>RD</sup> DAY OF  
September, 2015.



MY COMMISSION EXPIRES:

Janice M. Hoover  
NOTARY PUBLIC



FILED

OCT - 6 2015

Joyce Loftin CLERK  
D.C.

Filed By: FRANCIS J.  
LARKINFiled: 10/6/2015 2:27  
PMNumber: CV2015-  
000474

LEE County

Joyce Loftin

Judge: CRB

**IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI****RONALD HERRINGTON  
AND CARRIE HERRINGTON****PLAINTIFFS****VS.****CAUSE NO.: CV2015-000516****MARK ALLEN FOSTER, ELINDA ANN FOSTER,  
BRENT MARTIN, MARTIN HOME INSPECTION  
(HomeSafe of Northeast MS) AND  
TOMMY MORGAN REALTY, INC., JENNIFER BROWN  
AND SEAN HATTINGER, INDIVIDUALLY AND AS  
AGENTS FOR TOMMY MORGAN REALTY, INC.****DEFENDANTS****ACKNOWLEDGMENT AND WAIVER OF  
SERVICE OF PROCESS**

The undersigned L. Bradley Dillard, Esquire, whose mailing address is Mitchell McNutt & Sams, PA, P. O. Box 7120, Tupelo, Mississippi 38802-7120, hereby accepts service of process on behalf of the Defendants, Brent Martin and Martin Home Inspection (HomeSafe of Northeast MS), and, after having been duly authorized by Defendants to do so in his capacity as legal counsel for said Defendants, hereby waives service of the Summons and Complaint in this cause on behalf of the foregoing Defendants.

In executing this document I certify that I am authorized by the Defendants to do so. Furthermore, by and through execution of this document, the Defendants formally enter their appearance in this cause and acknowledge that an Answer or other responsive pleading must be filed within sixty (60) days of the date of this waiver of process in order to avoid entry of a default judgment in favor of Plaintiffs.

Dated this the 25 day of September, 2015.

BRENT MARTIN AND MARTIN HOME  
INSPECTION (HomeSafe of Northeast MS),  
Defendants

By: 

L. BRADLEY DILLARD (MSB #10114)

OF COUNSEL:

MITCHELL MCNUTT & SAMS, PA  
P. O. BOX 7120  
TUPELO, MS 38802-7120  
TELEPHONE: (662) 842-3871  
FACSIMILE: (662) 842-8450  
[bdillard@mittchellmcnutt.com](mailto:bdillard@mittchellmcnutt.com)



FILED

OCT 16 2015

JOYCE R. LOFTIN, CIRCUIT CLERK  
D.C.



Filed By: FRANCIS J.  
LARKINFiled: 10/6/2015 8:00  
AMNumber: CV2015-  
000474

LEE County

Joyce Loftin

Judge: CRB

## IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO.:CV2015-000474

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC.,  
CAVALIER HOME BUILDERS, LLC, CARL KING,  
21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
PARTNERSHIPS, OR ENTITIES RESPONSIBLE FOR ANY  
DAMAGE TO THE SUBJECT MOBILE HOME  
AT ANY LOCATION, AND B, BEING THOSE PERSONS,  
FIRMS, CORPORATIONS, PARTNERSHIPS, OR ENTITIES  
RESPONSIBLE FOR THE DELIVERY OF THE SUBJECT MOBILE  
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PARTIES IN ANY WAY RESPONSIBLE FOR THE  
ACTS COMPLAINED OF HEREIN, WHOSE IDENTITIES  
ARE OTHERWISE UNKNOWN, BUT WILL BE ADDED  
BY AMENDMENT WHEN ASCERTAINED

FILED

OCT - 6 2015

JOYCE R. LOFTIN, CIRCUIT CLERK  
D.C.

DEFENDANTS

---

**MOTION FOR ADDITIONAL TIME WITHIN WHICH TO SERVE SUMMONS AND  
COMPLAINT OR IN THE ALTERNATIVE, MOTION FOR ADDITIONAL TIME TO  
CURE ANY POSSIBLE DEFECTS IN PROCESS**

---

COMES NOW Plaintiff, Malinda Todd, by and through her attorney, and files this her  
Motion for Additional Time Within Which to Serve Summons and Complaint or in the Alternative,  
Motion for Additional Time to Cure Any Possible Defects in Process, and for cause would  
respectfully show unto this Honorable Court the following:

I.

That Plaintiff, Malinda Todd filed suit on June 10th, 2015, and requested that Process be



issued for the Defendants.

That on or about September 20, 2015, a Summons and Complaint was sent to Allied Investigative Services employee, Paul Ivey, for Service upon C.T. Corporation System's, Registered Agent for Service of Process for Separate Defendant Cavalier Home Builders, LLC in Alabama; Paul Ivey indicated that the Suppons and Complaint was served on September 22, 2015, but the Summons Return has not yet been received for filing by counsel for Plaintiff. A copy of the Gmail memo dated September 22, 2015 is attached labeled Exhibit "A", and incorporated herein as if copied in full. That an additional one hundred and twenty (120) days are needed by Plaintiff to file the Return and to Cure any Possible Defects in Process. That good cause exists for this Court to extend the time within which to serve Process (or to cure defects in Process) Separate Defendant Caviler Home Builders, LLC, and all other Defendants, some of whom have not yet been identified.

NOW THEREFORE, PREMISES CONSIDERED for good cause having been shown, Plaintiff moves the Court for an additional one hundred twenty (120) days to complete service of Process on Separate Defendant, Caviler Home Builders, LLC and all other Defendants, or, in the alternative, cure any defects in Process that might exist.

Respectfully submitted,

FILED  
OCT - 6 2015  
JOYCE N. LOFTIN, CIRCUIT CLERK  
D.C.

*Francis J. Larkin*  
FRANCIS J. LARKIN  
ATTORNEY FOR PLAINTIFF  
POST OFFICE BOX 1561  
TUPELO, MISSISSIPPI 38802  
(662) 841-0636  
MSB NO.: 1070



Francis Larkin <flarkin0636@gmail.com>

**Service of Summons and Complaint on C.T. Corporation Systems Registered Agent for Cavalier Home Builders, LLC Lee County Court Cause No: CV2015-000474**

6 messages

Francis Larkin <flarkin0636@gmail.com>  
To: alliedinvestigativeservices@hotmail.com

Tue, Sep 22, 2015 at 10:42 AM

Status? Thanks

The information contained in this message is privileged and confidential information intended for the use of the addressee listed above. If you are neither the intended recipient nor the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this message in error, please immediately notify us by telephone to arrange for return of the original documents to us.

Paul Ivey <alliedinvestigativeservices@hotmail.com>  
To: Francis Larkin <flarkin0636@gmail.com>

Tue, Sep 22, 2015 at 12:41 PM

We picked it up from the post office on Saturday. It has been assigned to the server for routine service. Please feel free to check back in a few days for service information. Monica

Francis Larkin <flarkin0636@gmail.com> wrote:

[Quoted text hidden]

Joyce Loftin  
CLERK

Francis Larkin <flarkin0636@gmail.com>  
To: Paul Ivey <alliedinvestigativeservices@hotmail.com>

Tue, Sep 22, 2015 at 1:17 PM

Thanks

[Quoted text hidden]

Paul Ivey <alliedinvestigativeservices@hotmail.com>  
To: Francis Larkin <flarkin0636@gmail.com>

Tue, Sep 22, 2015 at 6:19 PM

CT Corporation Systems Registered Agent: Served: 9/22/15 @ 2:30 pm: Maranne Nichols, Registered Agent

Thank you,

Paul H Ivey  
Allied Investigative Services  
Alabama\*Tennessee\*Missouri

AIS-Tennessee  
5543 Edmondson Pike #202  
Nashville, Tn 37211

AIS-Alabama

FILED

OCT - 6 2015

JOYCE LOFTIN DEPUTY CLERK  
D.C.

P.O. Box 1421  
Florence, AL 35630

**Alliedinvestigativeservices.com**  
**(Toll Free) 888-366-1550**  
**(Office) 256-757-0902**  
**(Fax) 256-757-0902**

This electronic message is intended for the use of the individual or entity to which it is addressed and may contain

information that is privileged or confidential. If you are not the intended recipient or an employee or agent responsible

for delivering this electronic message to the intended recipient, you are hereby notified that any disclosure, copying,

distribution or use of this electronic message or its contents is strictly prohibited. If you received this electronic message

in error, please notify the sender immediately by return email or telephone to the number below or 888-366-1550.

Date: Tue, 22 Sep 2015 10:42:18 -0500  
Subject: Service of Summons and Complaint on C.T. Corporation Systems Registered Agent for Cavalier Home Builders, LLC Lee County Court Cause No: CV2015-000474  
From: flarkin0636@gmail.com  
To: alliedinvestigativeservices@hotmail.com

LEE COUNTY  
COUNTY  
COURT  
MISSISSIPPI  
Joyce Loftin  
CLERK

Status? Thanks

The information contained in this message is privileged and confidential information intended for the use of the addressee listed above. If you are neither the intended recipient nor the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this message in error, please immediately notify us by telephone to arrange for return of the original documents to us.

Francis Larkin <flarkin0636@gmail.com>  
To: Paul Ivey <alliedinvestigativeservices@hotmail.com>

Tue, Sep 22, 2015 at 8:48 PM

Thank you, Francis Larkin  
[Quoted text hidden]

Francis Larkin <flarkin0636@gmail.com>  
To: Paul Ivey <alliedinvestigativeservices@hotmail.com>

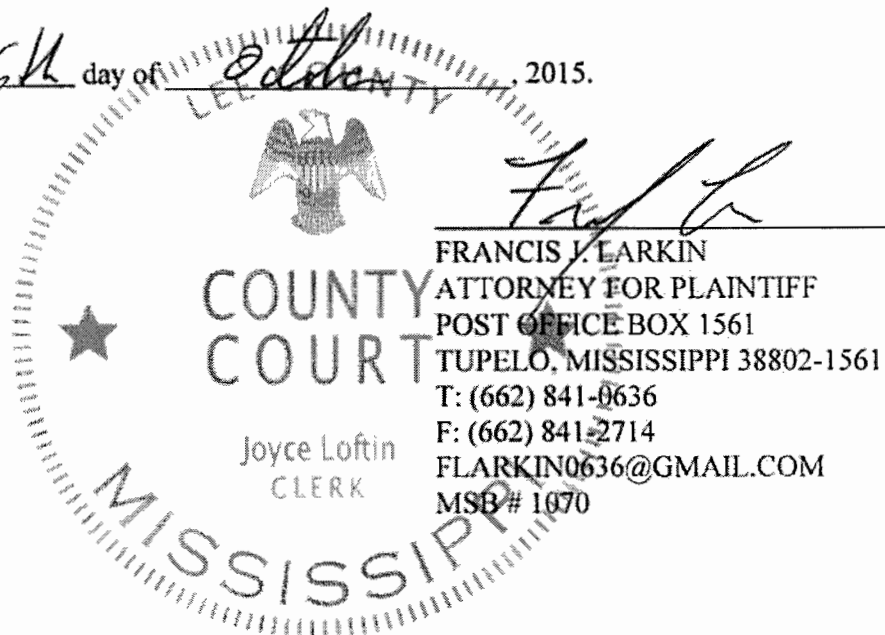
Mon, Oct 5, 2015 at 2:53 PM

Status? We STILL do not have the Return Thanks Francis Larkin  
[Quoted text hidden]

**CERTIFICATE OF SERVICE**

I, Francis J. Larkin, Attorney for the Plaintiff, Malinda Todd, hereby certify that I have served a true and correct copy of the above and foregoing Motion for Additional Time Within Which to Serve Summons and Complaint or in the Alternative, Motion for Additional Time to Cure Any Defects in Process on Honorable Rhett Wise, Attorney at Law, PO Box 46, Tupelo, Mississippi 38802-0046, by placing a copy in the United States Mail, Postage Pre-paid and addressed indicated.

Dated this the 6th day of October, 2015.



FILED

OCT - 6

JOYCE R. LOFTIN



Filed By: awelch

Filed: 10/5/2015 8:00  
AMNumber: CV2015-  
000474

LEE County

Joyce Loftin

Judge: CRB

## IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO.: *CV201500474*

BRAD KELLUM, THE HOME GALLERY, LLC,  
 WHEEL ESTATE MOBILE HOMES, INC,  
 CAVALIER HOME BUILDERS, LLC, CARL KING,  
 21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
 A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
 PARTNERSHIPS, OR ENTITIES RESPONSIBLE FOR ANY  
 DAMAGE TO THE SUBJECT MOBILE HOME  
 AT ANY LOCATION, AND B, BEING THOSE PERSONS,  
 FIRMS, CORPORATIONS, PARTNERSHIPS, OR ENTITIES  
 RESPONSIBLE FOR THE DELIVERY OF THE SUBJECT MOBILE  
 HOME FROM THE MANUFACTURER'S SITE OR FROM  
 THE DEALER'S LOT TO THE PLAINTIFF'S LOT AND/OR  
 SETTING UP THE SUBJECT MOBILE HOME ON  
 PLAINTIFF'S LOT AND/OR INSPECTING THE LOT  
 FOR THE SET UP; AND/OR C, D, AND/OR E, BEING  
 THOSE PERSONS, FIRMS, CORPORATIONS,  
 PARTNERSHIPS, OR ENTITIES WHO ARE ADDITIONAL  
 PARTIES IN ANY WAY RESPONSIBLE FOR THE  
 ACTS COMPLAINED OF HEREIN, WHOSE IDENTITIES  
 ARE OTHERWISE UNKNOWN, BUT WILL BE ADDED  
 BY AMENDMENT WHEN ASCERTAINED

DEFENDANTS


 SUMMONS

STATE OF MISSISSIPPI  
 COUNTY OF LEE

TO: 21ST CENTURY MORTGAGE CORPORATION  
 ED LAWLER  
 REGISTERED AGENT FOR SERVICE OF PROCESS  
 368 HIGHLAND COLONY PARKWAY  
 RIDGELAND, MS 39157  
 OR WHERE EVER HE MAY BE FOUND

FILED

OCT - 5 2015

JOYCE LOFTIN, CLERK



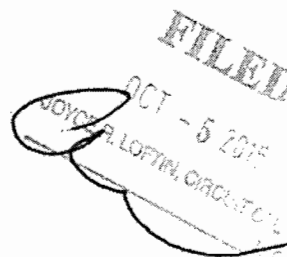
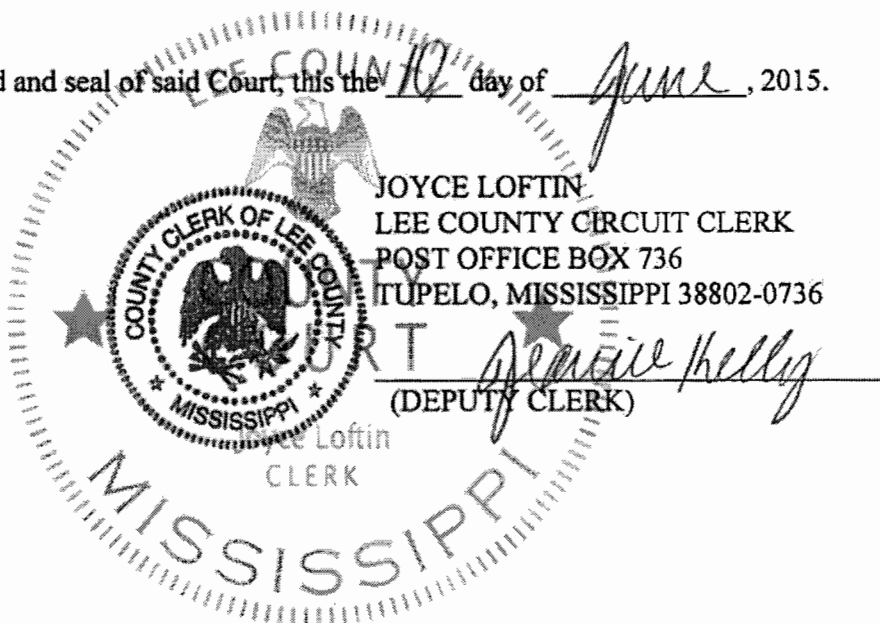
**NOTICE TO DEFENDANT**

The Complaint which is attached to this Summons is very important and you must take immediate action to protect your rights.

You are required to mail or hand deliver a copy of a written response to the Complaint to **FRANCIS J. LARKIN**, attorney for the Plaintiff, whose address is **P.O. BOX 1561, TUPELO, MISSISSIPPI 38802**. Your response must be mailed or delivered within thirty (30) days from the date of the delivery of this Summons and Complaint or a Judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must file the original of your response with the clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this the 12 day of June, 2015.



**PROOF OF SERVICE**

Ed Lawler  
Name of Person Served

I, the undersigned process server, served the Summons and Complaint upon the person or entity named above in the manner set forth below:

☒ **PERSONAL SERVICE:** I personally served copies to Ed Lawler on the 28<sup>th</sup> day of September, 2015, where I found said person in Madison County in the State of Mississippi.

☐ **RESIDENCE SERVICE:** After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ County, Mississippi. I served the Summons and Complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at the usual place of abode of said person by leaving a true copy of the Summons and Complaint with \_\_\_\_\_ who is the \_\_\_\_\_ a member of the family of the person served above the age of sixteen years and willing to receive the Summons and Complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, I mailed by first class mail, postage prepaid, a copy to the person served at his or her usual place of abode where copies were left.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for Service: \$ \_\_\_\_\_

**Process Server must list:**

Name: Debra Haywood

Social Security No: \_\_\_\_\_

Address: 1411 DUNBAR DR.

JACKSON, MS 39246

Telephone No: 601 414 3707

COUNTY COURT

Joyce Loftin  
CLERK

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me the undersigned authority in and for said State and County the within named Debra Haywood who after being first duly sworn states under oath that the matters and facts set forth in the foregoing "Proof of Service" are true and correct as therein stated.

Debra Haywood  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME, this the 28<sup>th</sup> day of Sept., 2015.

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO.: CV2015-00474

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC,  
CAVALIER HOME BUILDERS, LLC, CARL KING,  
21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
PARTNERSHIPS, OR ENTITIES RESPONSIBLE FOR ANY  
DAMAGE TO THE SUBJECT MOBILE HOME  
AT ANY LOCATION, AND B, BEING THOSE PERSONS,  
FIRMS, CORPORATIONS, PARTNERSHIPS, OR ENTITIES  
RESPONSIBLE FOR THE DELIVERY OF THE SUBJECT MOBILE  
HOME FROM THE MANUFACTURER'S SITE OR FROM  
THE DEALER'S LOT TO THE PLAINTIFF'S LOT AND/OR  
SETTING UP THE SUBJECT MOBILE HOME ON  
PLAINTIFF'S LOT AND/OR INSPECTING THE LOT  
FOR THE SET UP; AND/OR C, D, AND/OR E, BEING  
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PARTIES IN ANY WAY RESPONSIBLE FOR THE  
ACTS COMPLAINED OF HEREIN, WHOSE IDENTITIES  
ARE OTHERWISE UNKNOWN, BUT WILL BE ADDED  
BY AMENDMENT WHEN ASCERTAINED

**FILED**

JUN 10 2015

JOYCE R. LOFTIN, CIRCUIT CLERK  
D.C.

DEFENDANTS

---

**NOTICE OF FILING DISCOVERY**

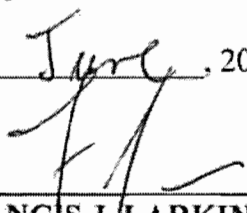
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TO: THE HOME GALLERY, LLC  
BRAD KELLUM  
REGISTERED AGENT FOR SERVICE OF PROCESS  
1583 HWY 45  
SALTILLO, MS 38866

Please be advised that on this date Plaintiff Malinda Todd filed Plaintiff's First Set of Interrogatories, Request for Production of Documents and Request for Admissions Propounded to the Separate Defendant, The Home Gallery.

Pursuant to the Uniform Court Discovery Rules, a copy of said Discovery is furnished to the above, with the undersigned being the custodian of the original document.

DATED this the 10th day of June, 2015.

  
\_\_\_\_\_  
FRANCIS J. LARKIN  
ATTORNEY FOR PLAINTIFF  
POST OFFICE BOX 1561  
TUPELO, MISSISSIPPI 38802-1561  
(662) 841-0636  
MSB NO.: 1070



**FILED**

JUN 10 2015

JOYCE R. LOFTIN, CIRCUIT CLERK  
\_\_\_\_\_  
D.C.



IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO.:

*C201500474*

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC,  
CAVALIER HOME BUILDERS, LLC, CARL KING,  
21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
PARTNERSHIPS, OR ENTITIES RESPONSIBLE FOR ANY  
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AT ANY LOCATION, AND B, BEING THOSE PERSONS,  
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BY AMENDMENT WHEN ASCERTAINED  
IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

**FILED**

JUN 10 2015

JOYCE R. LOFTIN, CIRCUIT CLERK  
D.C.

DEFENDANTS

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**NOTICE OF FILING DISCOVERY**

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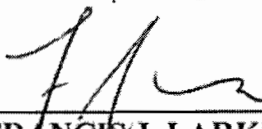
TO: WHEEL ESTATE MOBILE HOMES, INC.  
HAROLD K. WILSON  
REGISTERED AGENT FOR SERVICE OF PROCESS  
1503 SOUTH GLOSTER STREET  
TUPELO, MS 38801

Please be advised that on this date Plaintiff Malinda Todd filed Plaintiff's First Set of Interrogatories, Request for Production of Documents and Request for Admissions Propounded to the Separate Defendant, Wheel Estate Mobile, Inc.




Pursuant to the Uniform Court Discovery Rules, a copy of said Discovery is furnished to the above, with the undersigned being the custodian of the original document.

DATED this the 10<sup>th</sup> day of June, 2015.

  
\_\_\_\_\_  
FRANCIS J. LARKIN  
ATTORNEY FOR PLAINTIFF  
POST OFFICE BOX 1561  
TUPELO, MISSISSIPPI 38802-1561  
(662) 841-0636  
MSB NO. 1070



**FILED**  
JUN 10 2015  
JOYCE R. LOFTIN, CIRCUIT CLERK  
D.C.  


Filed By: FRANCIS J.  
LARKINFiled: 8/10/2015 8:00  
AMNumber: CV2015-  
000474

LEE County

Joyce Loftin

Judge: CRB

## IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO. CV2015-000474

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC,  
CAVALIER HOME BUILDERS, LLC, CARL KING,  
21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
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DEFENDANTS

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**NOTICE OF FILING DISCOVERY**


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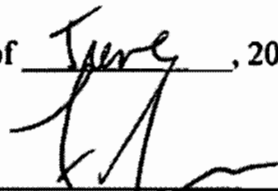
TO: BRAD KELLUM  
1583 HWY 45  
SALTILLO, MS 38866

Please be advised that on this date Plaintiff Malinda Todd filed Plaintiff's First Set of Interrogatories, Request for Production of Documents and Request for Admissions Propounded to the Separate Defendant, Brad Kellum.

Pursuant to the Uniform Court Discovery Rules, a copy of said Discovery is furnished

to the above, with the undersigned being the custodian of the original document.

DATED this the 10<sup>th</sup> day of June, 2015.

  
\_\_\_\_\_  
**FRANCIS J. LARKIN**  
**ATTORNEY FOR PLAINTIFF**  
**POST OFFICE BOX 1561**  
**TUPELO, MISSISSIPPI 38802-1561**  
**(662) 841-0636**  
**MSB NO.: 1070**



IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO. 2015-000474

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC,  
CAVALIER HOME BUILDERS, LLC, CARL KING,  
21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
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**FILED**

JUN 10 2015

JOYCE R. LOFTIN, CIRCUIT CLERK  
D.C.

DEFENDANTS

---

**NOTICE OF FILING DISCOVERY**

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TO: CAVALIER HOME BUILDERS, LLC  
303 BUCCANEER STREET  
HAMILTON, ALABAMA 35570

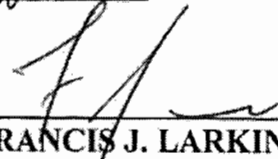
C.T CORPORATION SYSTEMS  
REGISTERED AGENT  
2 NORTH JACKSON ST. SUITE 605  
MONTGOMERY, AL 36104

Please be advised that on this date Plaintiff Malinda Todd filed Plaintiff's First Set of Interrogatories, Request for Production of Documents and Request for Admissions

Propounded to the Separate Defenant, Cavalier Home Builders.

Pursuant to the Uniform Court Discovery Rules, a copy of said Discovery is furnished to the above, with the undersigned being the custodian of the original document.

DATED this the 10th day of June, 2015.

  
FRANCIS J. LARKIN  
ATTORNEY FOR PLAINTIFF  
POST OFFICE BOX 1561  
TUPELO, MISSISSIPPI 38802-1561  
(662) 841-0636  
MSB No.: 1070



**FILED**

JUN 10 2015

JOYCE R. LOFTIN, CIRCUIT CLERK  
D.C.



IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO. CV205-000474

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC,  
CAVALIER HOME BUILDERS, LLC, CARL KING,  
21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
A, BEING THOSE PERSONS, FIRMS, CORPORATIONS,  
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**FILED**

JUN 10 2015

JOYCE B. LOFTIN, CIRCUIT CLERK  
D.C.

DEFENDANTS

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**NOTICE OF FILING DISCOVERY**

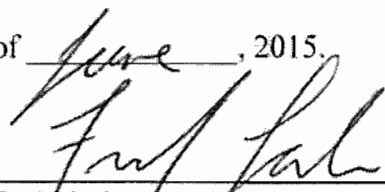
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TO: 21ST CENTURY MORTGAGE CORPORATION  
ED LAWLER  
REGISTERED AGENT FOR SERVICE OF PROCESS  
368 HIGHLAND COLONY PARKWAY  
RIDGELAND, MS 39157

Please be advised that on this date Plaintiff Malinda Todd filed Plaintiff's First Set of Interrogatories, Request for Production of Documents and Request for Admissions Propounded to the Separate Defendant, 21st Century Mortgage Corporation.

Pursuant to the Uniform Court Discovery Rules, a copy of said Discovery is furnished to the above, with the undersigned being the custodian of the original document.

DATED this the 10<sup>th</sup> day of June, 2015.

  
FRANCIS J. LARKIN  
ATTORNEY FOR PLAINTIFF  
POST OFFICE BOX 1561  
TUPELO, MISSISSIPPI 38802-1561  
(662) 841-0636  
MSB NO. 1070



**FILED**

JUN 10 2015

JOYCE R. LOFTIN, CIRCUIT CLERK  
D.C.



IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

MALINDA TODD

PLAINTIFF

VS.

CAUSE NO.: 00205-  
000474

BRAD KELLUM, THE HOME GALLERY, LLC,  
WHEEL ESTATE MOBILE HOMES, INC.,  
CAVALIER HOME BUILDERS, LLC, CARL KING,  
21<sup>ST</sup> MORTGAGE CORPORATION, AND FICTITIOUS PARTIES,  
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BY AMENDMENT WHEN ASCERTAINED

**FILED**

JUN 10 2015

JOYCE R. LOFTIN, CIRCUIT CLERK  
D.C.

DEFENDANTS

---

**NOTICE OF FILING DISCOVERY**

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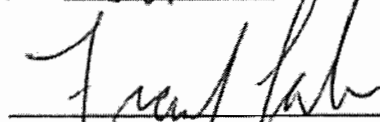
TO: CARL KING  
892 SOUTH FORD STREET  
BALDWIN, MS 38824

Please be advised that on this date Plaintiff Malinda Todd filed Plaintiff's First Set of Interrogatories, Request for Production of Documents and Request for Admissions Propounded to the Separate Defendant, Carl King.

Pursuant to the Uniform Court Discovery Rules, a copy of said Discovery is

furnished to the above, with the undersigned being the custodian of the original document.

DATED this the 10<sup>th</sup> day of June, 2015.



FRANCIS J. LARKIN  
ATTORNEY FOR PLAINTIFF  
POST OFFICE BOX 1561  
TUPELO, MISSISSIPPI 38802-1561  
(662) 841-0636  
MSB NO.: 1070



**FILED**

JUN 10 2015

JOYCE R. LOFTIN, CIRCUIT CLERK  
D.C.

